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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,207	12/16/2004	Kurt W. Niederer	420/13	3201
23638	7590	06/21/2006	EXAMINER	
ADAMS EVANS P.A. 2180 TWO WACHOVIA CENTER CHARLOTTE, NC 28282			DONDERO, WILLIAM E	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/518,207	Applicant(s) NIEDERER, KURT W.	
	Examiner William E. Dondero	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 4, 6 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Species I in the reply filed on May 4, 2006 is acknowledged.

Claims 7-8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 4, 2006.

Drawings

The drawings are objected to because Figure 7 should be two independent figures, Figure 8 should be 4 independent figures, and Figure 12 should be 2 independent figures. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the

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examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 1 is objected to because of the following informalities: - -, and- - should be inserted between "strand" and "generating" in line 12. Appropriate correction is required.

Claim 11 is objected to because of the following informalities: "controller" in line 4 is misspelled and should only have 2 "l"s. Appropriate correction is required.

Claim 12 is objected to because of the following informalities: "apply" should be - - applying- - in line 5 (step (b)). Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 11, the phrase "optionally" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobsson (US-5335878) in view of Heijnis (US-2637511).

Regarding Claims 1-3, Jacobsson discloses a strand delivery mechanism (shown but not numbered) for delivering a moving strand Y downstream from a strand supply S; a strand take-up mechanism F positioned downstream from the strand delivery mechanism for pulling the strand from the strand supply; a tension controller 3, B positioned between the strand for adding tension to the moving strand as it moves downstream to the strand take-up mechanism, the tension controller including a pair of tensioning plates 3a, 3b consisting of a stationary tension plate 3b and a second, movable tensioning plate 3a, between which plates the moving strand passes; an adjustable loading force (applied by B); and a means A to deflect the upstream strand entering the tension controller, generating in the tension controller a deflection force of which a force vector is directed in opposite direction of the adjustable loading force for a reduction of the added tension to the strand (Figures 1-2 and 5-6). Jacobsson is silent about the adjustable force applied to the movable tensioning plate in opposite direction to the movement of the strand, and generating through geometric restriction a force component perpendicular to the direction of the moving strand. However, Heijnis discloses a tension controller 13, 14, 16, 18, 20, 22 including a pair of tension plates 13, 14 consisting of a stationary plate 13 and a second, movable plate 14, between which plates a moving strand 10 passes and an adjustable (by ring 20, spring 18, and chain

22) loading force (reaction force of F_B) applied to the moveable tensioning plate in opposite direction to the movement of the strand, generating through geometric restriction a force component F_T perpendicular to the direction of the moving strand, the added tension to the strand by the compression force between the two tensioning plates is reduced through the force vector of the tension in the upstream strand sufficiently to result in a constant output tension in the downstream strand, and the moveable plate is restricted in its movement to separate from the stationary plate with a major motion-component in the direction of the down-stream movement of the strand (Figures 2-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the tension controller of Jacobsson with the tension controller of Heijnis to allow for the controller to account for differing characteristics of different yarns as taught by Heijnis (Column 1, Lines 48-55). Regarding Claim 5, Jacobsson discloses the upstream tension vector of the moving strand is deflected (by surface A) before entering the space between the two tensioning plates to generate a force opposing adjustable loading force to reduce the added tension on the movable strand (Figures 1-2 and 5-6). Regarding Claim 10, Jacobsson discloses the moveable strand is guided around the moveable plate through a floating guide 11' which is free to float in the general direction of the moving strand between the tensioning plates (Figure 5).

Regarding Claim 11, Jacobsson in view of Heijnis discloses the adjustable loading force is generated by a spring; and includes a fine-scale adjusting means 20 able to effect adjustments during operation of individual strand tension apparatus (Heijnis: Figure 2). Jacobsson in view of Heijnis is silent about a means for applying

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the adjustable loading force simultaneously to a plurality of tension controllers.

However, it is notoriously old and well known to wind a plurality of strands on a plurality of winders aligned parallel. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the device of Jacobsson in view of Heijnis on such a plurality of winders to produce a plurality of packages with the consistent tension and quality thereby saving money on waste produced from out of specification packages.

With respect to Claim 12, the method described in these claims would inherently result from the use of the strand tension apparatus of Jacobsson in view of Heijnis as advanced above.

Allowable Subject Matter

Claims 4, 6, 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

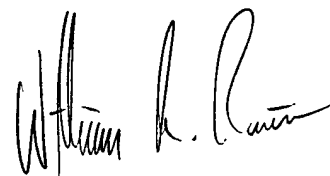
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Atkins, Abbott, Lzicar et al., Maruyama, and Wachter are cited for disclosing similar stranding tensioning devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Dondero whose telephone number is 571-272-5590. The examiner can normally be reached on Monday through Friday 7:00 am to 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



wed

WILLIAM A. RIVERA
PRIMARY EXAMINER